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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,986	04/20/2001	Andreas K. Nielsen	35303.00003	3116

7590 09/30/2004

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EXAMINER

WILKENS, JANET MARIE

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,986

Applicant(s)

NIELSEN, ANDREAS K.

Examiner

Janet M. Wilkens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 2, "the door" lacks antecedent basis. Note: the door has not been positively claimed previously, i.e. the first appearing "door" is in a for statement and therefore, has not been positively claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 and 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley et al (5,626,404) in view of Gurin et al and Bradstreet. Kelley teaches a modular furniture system (Figs. 1 and 29-31) comprising: a first module (10), a second module (10) and a third module (10); each containing orifices (58) therein, an interior wall (494), shelves/supports (450,486) and pocket doors (26). The furniture is located in an office setting and includes wiring orifices and therefore, computer equipment/electric equipment of any type (including those with graphic user interfaces, video cameras, all kinds of peripherals, monitors, links/cables to interconnect features, etc.) could

inherently be provided for use therein. Note: general equipment is being claimed; there being nothing inventive about this equipment. Furthermore, see reference of Gurin et al wherein this type of equipment is shown inside of a cabinet. It would have been obvious to located electronic equipment in the modules of Kelley, to free up worksurface space, for aesthetic reasons (hiding equipment when not using), etc. Kelly does fail to specifically teach exercise equipment inside one/two of the modules. The examiner takes Official notice that portable exercise equipment, such as bar bells, is well known in the exercise equipment art. Bradstreet teaches the type of portable equipment referred to, i. e. bar bells (see Figs 1 and 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to store exercise equipment, such as the bar bells taught by Bradstreet, inside one of the modules (on the shelves thereof), to provide a means that can be pulled out of the modules and used to reduce stress during employee breaks, etc. The module/shelves simply providing storage space for the exercise equipment. Furthermore, the modules and equipment are arrangible so that one using the exercise equipment can view the electronic equipment and a support /pedestal table (512) is usable in combination with the modules and arranged therewith accordingly (see Fig. 33 (c) wherein two modules are back to back with a support extending from the side thereof). Also, either type of equipment is storable/usable in any of the modules.

Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niebojewski in view of Barkschat and Richardson. Niebojewski teaches a modular furniture system (Fig. 1) comprising: a module (10) with doors (15,16) and interior

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compartments (13,21; 21,22;22,14). The furniture is specifically for housing exercise equipment. Niebojewski fails to specifically teach computer equipment located on a support/shelf in the module. First, Barkschat teaches a shelf (19) in an exercise module. Second, Richardson teaches computer equipment (39) located on a shelf. It would have been obvious to one of ordinary skill in the art at the time of the invention to add a shelf in one or more of the compartments of Niebojewski, such as is taught by Barkschat, to store various types of equipment, such as computer monitors (see Richardson) and other peripherals (including those with graphic user interfaces, links/cables to interconnect features, etc.), inside the module, to provide a compartmentalized storage means inside the module. Furthermore, adding computer equipment inside the module would allow one to watch videos, listen to music, monitor themselves using specified software, etc.

Response to Arguments

Addressing applicant's argument that the prior art has to suggest the desirability of a combination of features. As stated above, any type of object can be placed in a module/cabinet. This includes all types of electronic equipment and/or exercise equipment. The determining factor being the intended use of the modules. The fact that no one reference shows computers and exercise equipment being located in adjacent and/or the same module does not in and of itself suggest that one of ordinary skill in the art would not know or be inclined to do so. Furthermore, placing these objects in the module(s) produces no unexpected results.

As for the references, as stated above, Bradstreet teaches bar bells. The Official notice was simply stating that portable exercise equipment, in and of itself, is well known in the field of exercise equipment. Furthermore, as stated above, any type of object can be placed in a module/cabinet. This includes portable objects such as exercise equipment/bar bells. Gurin was added to the rejection to show the use of computer equipment inside a cabinet. Even though Kelley does not specifically teach this arrangement, to store/use these types of items inside one or more of the modules would have been an obvious consideration (see advantages stated above).

As for the combination of Niebojewski in view of Barkschat and Richardson, the examiner contends that to add shelves (and equipment) in the side compartments (13,21;22,14), for example, would not disturb the exercise equipment already located in the module.

Finally, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

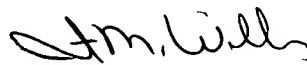
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
February 23, 2004


JANET M. WILKENS
PRIMARY EXAMINER
Art Unit 3637